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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,427	08/16/2006	Alexander Walter	4100-403PUS	3623
27799 7590 02/19/2010 COHEN, PONTANI, LIEBERMAN & PAVANE LLP 551 FIFTH AVENUE SUITE 1210 NEW YORK, NY 10176				
EXAMINER				
BOEHLER, ANNE MARIE M				
ART UNIT		PAPER NUMBER		
3611				
MAIL DATE		DELIVERY MODE		
02/19/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/581,427

**Applicant(s)**

WALTER, ALEXANDER

**Examiner**

Anne Marie M. Boehler

**Art Unit**

3611

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11/9/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11-23 is/are pending in the application.
- 4a) Of the above claim(s) 17, 19 and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-16, 18, 20, 22 and 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF-08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

1. Claims 17, 19, and 21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 12/12/2008.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 11, 12, 14-16, 18, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zaunberger (USPN 4,998,591) in view of Muller (USPN 3,645,351)

Zaunberger teaches a tracked vehicle, in the embodiment of Figure 5, with a pair of drive shafts 134, 136, driven by respective motors 4/5, 4/4, a differential gear mechanism 120, and a steering control motor 2/4 connected to the differential. Brakes 90, 90, are mounted to respective drive shafts. An engine 14 is the source of power for each of the motors 2/4, 4/4/, 4/5.

Zaunberger lacks two energy sources.

Muller teaches the use of two engines that are separately controllable energy sources for powering tracked vehicle drive and steering arrangements.

It would have been obvious to one of ordinary skill in the art to provide the Zaunberger vehicle with two energy sources, as taught by Muller, in order to provide supplemental energy for the system when needed. Zaunberger shows a pair of motors for driving the axles, but fails to

specify the use of fireproof bulkheads. However, it is well known and would have been obvious to mount motors within fireproof bulkheads, in order to prevent the spread of fire.

4. Claims 13 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Zaunberger and Muller as applied to claims 11, 12, 14-16, 18, 22, and 23 above, and further in view of Lucius (USPN 4,917,200).

The combination lacks a pair of steering motors.

Lucius shows a track drive and steering system with a pair of steering motors 42, 43, for controlling a differential mechanism 48-57.

It would have been obvious to one of ordinary skill in the art to provide the combination drive and steering arrangement with two steering motors, as taught by Lucius, in order to provide a precise steering operation. As indicated above, it is old and well known and would have been obvious to separate motors by a fireproof bulkhead, in order to prevent the spread of fire.

5. Applicant's arguments with respect to claims 11-16, 18-20, 22, and 23 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that Suttles fails to teach independently controllable engines. Muller specifically teach two engines that provide drive and steering power to tracks and that are independently controllable (col. 1, line 34).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne Marie M. Boehler whose telephone number is 571-272-6641. The examiner can normally be reached on 7:30-5:00, Monday-Friday, with work at home on Wednesdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anne Marie M Boehler/  
Primary Examiner, Art Unit 3611

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Primary Examiner  
Art Unit 3611

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